

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

BRADLEY SMITH, an individual,)	
)	
Plaintiff Pro Se,)	
)	
vs.)	Case No. 1:16-cv-00144-S-LDA
)	
DEBORAH GARCIA,)	
)	
Defendant,)	
)	
and)	
)	
MYVESTA FOUNDATION,)	
)	
Defendant-Intervenor.)	

MOTION FOR DISCLOSURE OF CHECK PAYING THE FILING FEE

In order to assist intervenor in pursuing the question of what person or persons should be held responsible for filing this action, on the assumption that Bradley Smith has accurately represented that he neither signed the pro se papers nor authorized the filing of the suit in his name, defendant moves the Court to direct the Clerk to disclose to intervenor its scanned copy of the check submitted in payment of the filing fee.

Since the end of the hearing on the motion for leave to intervene, undersigned counsel Mr. Levy and Mr. Blackman has spoken with the process server and learned the identity of the company that paid funds to the process server for payment of the filing fee, and has also learned that it was the process server whose check paid the filing fee. However, rather than relying on this hearsay, intervenor would prefer to be able to present the check requested as part of the evidentiary chain that will establish the issue of responsibility for the filing. In conversations between counsel (Mr. Levy and Mr. Blackman) with Paula Farrell in the clerk's office on the day of the hearing, counsel were

advised that it has a scan of the check, but does not feel that it should disclose the check without the Court's permission or direction.

Respectfully submitted,

/s/ Paul Alan Levy
Paul Alan Levy (pro hac vice)
Michael Kirkpatrick

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Attorneys for Intervenor

November 18, 2016

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CERTIFICATE OF SERVICE

I hereby certify that, on this 18th day of November, 2016, I am serving the foregoing Motion on Bradley Smith (the nominal plaintiff) and Rescue One Financial (the company that signed the “de-indexing” agreement previously filed) through their counsel Robby Birnbaum, Esquire at robby.birnbaum@gmlaw.com (pursuant to agreement with Mr. Birnbaum that he will accept copies by email). In addition, I am serving the papers on Richart Ruddle and RIR1984 LLC by sending them to help@profiledefenders.com, an address to which I have previously sent documents to Mr. Ruddle that were not bounced back as undeliverable

/s/ Paul Alan Levy
Paul Alan Levy

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Attorney for Myvesta Foundation